



GOVERNMENT WHIPS' OFFICE
HOUSE OF LORDS
LONDON SW1A 0PW

Telephone 020-7219 3131
www.lordswhips.org.uk
holgovernmentwhips@parliament.uk

FROM THE BARONESS CHISHOLM OF OWLPEN
GOVERNMENT WHIP FOR CABINET OFFICE, DEFRA AND DEPT
OF HEALTH
020-7219 6802

12 December 2016

Dear Peter,

POLICING AND CRIME BILL: SHARIA COUNCILS

In the debate at Committee stage on amendment 219C to the Bill, on Wednesday 16 November 2016, you asked me how many Sharia councils existed across Europe (Hansard, column 1477). Your question touches on a number of issues, and I said that I would write.

It is important to bear in mind that Sharia councils are neither part of the legal system in this country nor parallel to it in any way. The Government will not change this position. The only religious courts in the UK for which there is statutory provision are the ecclesiastical courts of the Church of England, which deal chiefly with matters of church property. All other religious councils in the UK are not courts. They have no legal power to enforce any decisions they make and must operate within the rule of national law.

In England and Wales, only the family court has the power to bring a legal end to a marriage, through a decree of divorce or a decree of nullity. Where people seek religious endorsement to end a marriage, whether or not the marriage is legally binding, they may use a Sharia council. The endorsement has no legal effect. The Government does not prevent people from practising their faith in such a way, but it shares the concerns raised by Peers in the debate that women in particular may be unaware of their equality before the law or may face pressure to use Sharia councils or accept their decisions. These concerns are central to the independent Sharia review launched in May by the current Prime Minister.

The number of Sharia councils in the UK or elsewhere is not central to the concerns we all share, and the Government has therefore not sought to make its own

estimate of the number of such councils. What I can say is that Sharia councils appear to exist in many European countries and have been the subject of reporting in their national media from time to time. Sharia councils will arise where faith communities have a need for them, particularly when people seek to end their marriage from a religious perspective. I have looked into the specific issue of numbers that you raised, but there is no definitive study to indicate the extent of Sharia councils in Europe. It would not, therefore, be helpful for me to suggest a figure. I can assure you, however, that Sharia councils are not unique to the UK and that there is nothing exceptional in English law that gives rise to them. I am not able to comment on their legal status in other jurisdictions, but in England and Wales, of course, they cannot oust the jurisdiction of the court.

It may be helpful to illustrate the difficulties in mapping Sharia councils by considering the number in the UK. Two divergent figures from different reports have been widely noted. A report published by the think tank Civitas in 2009 suggested that at least 85 Sharia councils were operating in the UK, while a report published by the University of Reading in 2012 identified at least 30. Because there is no formal registration of Sharia councils except where they may have charitable status, no central, authoritative listing exists. Any figures, therefore, can be indicative only. We should also remember that these figures would not take into account any individual religious leaders who provide similar services to Sharia councils.

The Government's concern remains with the extent of any discrimination or involuntary participation that users of Sharia councils may face. We take this concern very seriously and launched the independent review into the application of Sharia law to understand better the complexities of the problem and the likely effectiveness of any potential remedies.

I should like to thank you for your contribution to the debate, and I hope that my response has been helpful in setting out the status of Sharia councils and that it has reassured you of the Government's commitment to prevent abuse.

I am copying this letter to Baroness Cox, Lord Alton of Liverpool, Baroness Deech, Lord Rosser and Lord Paddick and I will also place a copy in the House Library.

*With best wishes,
Cathy*

BARONESS CHISHOLM OF OWLPEN

Baroness Buscombe
House of Lords